



ORDINANCE

REGARDING SIDE AND REAR SETBACKS FOR A LOT WITH MULTIPLE PRINCIPAL BUILDINGS

CITY OF NASHUA

In the Year Two Thousand and Seventeen

The City of Nashua ordains that Part II “General Legislation”, Chapter 190 “Land Use”, Part 2 “Zoning Districts and Supplemental Use Regulations”, Article III “Base Districts”, Section 190-16 “Dimensional regulations” of the Nashua Revised Ordinances, as amended, be hereby further amended by adding the new underlined language and deleting the struck-through language as follows:

“§ 190-16. Dimensional regulations.

...

E. Setbacks (Dimensional Matrix, Columns G through K).

- (1) Applicability and rules of interpretation. Setbacks for buildings or structures are measured as the area between the furthest projection of a principal structure and the property line of the lot on which the structure is located, except as provided below. Where a yard abuts a street, the setback shall be measured from the abutting street right-of-way line.

Commentary: Typically, the side and rear setback is measured from the property line, while the front setback is measured from the right-of-way because the front yard adjoins the street.

- (2) Development in setbacks.

- (a) Setbacks shall be unobstructed from the ground to the sky except as specified in this section. The following features may encroach into a required building setback:

...

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- (b) Whenever more than one principal building is to be located on a lot, the required ~~yards setbacks~~ shall be maintained around the group of buildings. Notwithstanding anything herein to the contrary, whenever more than one principal building is to be located on a lot, the required setback from any segment of a side or rear lot line shall in all instances be the same as is applicable to the neighboring property directly abutting such segment. Buildings shall be separated by any distance prescribed by the Fire Code. (See Chapter 156 of the City Code).”

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall become effective at the time of passage.

LEGISLATIVE YEAR 2017

ORDINANCE: O-17-029

PURPOSE: Regarding side and rear setbacks for a lot with multiple principal buildings

ENDORSERS: Alderman-at-Large Brian S. McCarthy

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: No fiscal impact.

ANALYSIS

The legislation changes the requirements for side and rear setbacks on a lot with multiple principal buildings, such as a detached condominium development. In such instances, the required setback from any segment of a side or rear lot line shall be the same as is applicable to the neighboring property directly abutting such segment. For example, if the side of one of the buildings abuts a neighbor's back yard (a rear setback), the side of that building must meet that same rear setback requirement.

State statute (RSA 675:2) and NRO Section 190-132 require a public hearing and referral to the city planning board. The public hearing is conducted by the aldermanic planning and economic development committee with notice published in a newspaper of general circulation and posted in two public places at least 10 calendar days prior to the date of the hearing. The notice period does not include the day notice is posted or the day of the public hearing. (RSA 675:7, I) Under RSA 676:12 and NRO Section 105-3, no building permit may be issued after the legal notice has been posted if the proposed changes would, if adopted, justify refusal of the permit. This limitation applies for a period of 120 days.

Approved as to form:

Office of Corporation Counsel

By: *Dorothy Clarke*

Date: *January 5, 2017*